

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Charles Wiskirchen,

Plaintiff,

vs.

ORDER ADOPTING THE
REPORT AND RECOMMENDATION

Dr. Resto, et al.,

Defendants.

Civ. No. 15-3215 (ADM/LIB)

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Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. Plaintiff's Notice of Voluntary Dismissal, [Docket No. 46], is **GRANTED**.
2. Defendants' Motion to Dismiss, [Docket No. 28], is **GRANTED in part** and **DENIED in part**.
3. Plaintiff's Amended Complaint, [Docket No. 20], is **DISMISSED without prejudice**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: February 16, 2017

s/Ann D. Montgomery
Ann D. Montgomery, Judge
United States District Court